

United States District Court

for the
Western District of New York

United States of America

v.

RANDALL LOSE

Defendant

Case No. 12-M- 23

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about February 25, 2011 and on or about February 24, 2012, in the Western District of New York, and elsewhere, the defendant violated Title 18, United States Code, Sections 2251(a) and 2252A(a)(2), offenses described as follows:

knowing employment, use, persuasion, enticement, and coercion of a person less than 18 years old to engage in sexually explicit conduct as defined in 18 U.S.C. §2256 for the purpose of producing a visual depiction of that person engaging in such conduct, and knowing and having reason to know that such visual description would be transported in and affecting interstate or foreign commerce, and that such image would be transported using any means or facility of interstate or foreign commerce; and

knowing receipt of child pornography, as defined in Title 18, United States Code, Section 2256(8), which child pornography had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and had been shipped and transported using any means and facility of interstate and foreign commerce.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT



Continued on the attached sheet.

L R Kelly

Complainant's signature

Liam R. Kelly, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: March 9, 2012

H. Kenneth Schroeder, Jr.

Judge's signature

City and State: Buffalo, New York

H. KENNETH SCHROEDER, JR.

United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Liam R. Kelly, having been duly sworn, do hereby depose and say:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since January of 2010. I am currently assigned to the Buffalo Field Office Cyber Squad, which targets individuals involved in the on line sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251A, 2252, 2252A, 2422, and 2423.

2. I make this affidavit in support of a criminal complaint charging RANDALL LOSE with violating Title 18, United States Code, Sections 2251(a) and 2252A(a)(2). The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose of seeking a criminal

complaint, I have not included each and every fact known to me concerning this investigation.

3. Title 18, United States Code, Section 2251(a) makes it a federal crime for any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

4. Title 18, United States Code, Section 2252A(a)(2) makes it a federal crime to knowingly receive or distribute any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

5. According to a City of Tonawanda Police Report (CTPD Report), on May 23, 2011, Captain Lori Rank of the City of Tonawanda Police (CTPD) in Tonawanda, New York, contacted the FBI. Cpt. Rank had received a complaint from the father of a 13 year old female (hereafter referred to as Minor1), who resides in the City of Tonawanda, in the Western District of New York. The complainant stated that Minor1 had received text messages from a subject using telephone number 814 482 0961. The complainant stated that one of the text messages from the above mentioned subject stated that he wanted to see Minor1 naked.

6. According to the CTPD report, the subject asked Minor1 for naked pictures of herself. Minor1 stated that she took approximately ten naked pictures of herself with her cell phone,

and sent them to the subject at telephone number 814 482 0961. Minor1 also used Skype, an Internet program, which allows users to use webcams to engage in video conferencing, to exchange instant message and video call the subject. The subject utilized the username "deletion33" on Skype. The subject asked Minor1, via Skype, to take her clothes off. Minor1 stated that she thought the subject captured still images of her when they were using the video Skype. Minor1's parents signed a consent to search form and Capt. Rank brought the computer to the Western New York Regional Computer Forensic Laboratory (RCFL).

7. The RCFL recovered records of chats conducted via Skype between "deletion33" and Minor1 that took place on 2/25/2011 2/28/2011, 03/01/2011 03/02/2011, 03/04/2011 03/07/2011, 03/09/2011, 03/18/2011, 03/20/2011 03/21/2011, 03/23/2011 03/24/2011, 03/26/2011 03/27/2011 and 03/29/2011 04/01/2011. The recovered chats show that "deletion33" and Minor1 exchanged instant messages with each other and used the video capabilities of the Skype software. During these conversations, "deletion33" asked Minor1 multiple times to take off her clothes and perform specific sexual acts.

8. It appears from the chats that Minor1 originally stated that she was 15 years of age and later told "deletion33" that she

was actually 13 years of age. "Deletion33" commented multiple times during the course of the above-referenced chats, that he was taking pictures or recording the live feed of Minor1. In the course of the chats, "Deletion33" referenced his use of a laptop computer to access the Skype program and stated that he had saved and stored the images and videos of Minor1 on a thumb drive.

9. On September 6, 2011 a subpoena was issued to Skype for the username "deletion33". According to the subpoena return, the Skype account was created using the email address "deletion33@hotmail.com".

10. A subpoena was issued to Microsoft for the email address "deletion33@hotmail.com". According to Microsoft, the email address was registered by Randall Lose of Howard, Pennsylvania, zip code 16841, on March 8, 2009. According to the subpoena response, and a subsequent subpoena response received from Microsoft, the account had been consistently accessed from IP address 71.58.64.52.

11. Two subpoenas were issued to Comcast, an Internet Service Provider, requesting subscriber information for IP address 71.58.64.52. The results showed that the subscriber for the account associated with this IP address for the relevant time period was Mr. Randy LOSE, of 407 Walnut Street, Howard, PA 16481.

LOSE initiated service on August 30, 2007, and his account was active as of February 2, 2012.

12. On February 24, 2012, a Federal search warrant was executed at 407 Walnut Street, Howard, Pennsylvania, the residence of Randall LOSE. A laptop computer and numerous digital storage devices were seized from the residence. LOSE was interviewed and stated that he had communicated with Minor1 via the Internet. He also admitted that he asked Minor1 to remove her clothing and perform sexual acts on herself, while he captured images and videos of her.

13. On February 28, 2012, I reviewed a San Disk Cruzer 4GB flash drive (flash drive) with serial number 20051737020ED8A2, seized from LOSE's residence. Numerous images and vides of Minor1 were found on this flash drive.

14. A number of these images and videos depicted Minor1 naked and touching her vagina. Below is a description of two of the images and one of the videos:

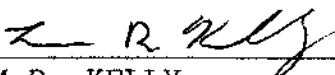
- a. Video call snapshot 2002.png- is a photograph of Minor1's torso. Minor1 is completely naked sitting in a chair with her legs spread. Minor1 has what appears to be a bottle inserted into her vagina.
- b. Video call snapshot 2305.png- is a photograph of Minor1's torso. Minor1 is completely naked sitting

in a chair with her legs spread. Minor1 has her fingers inserted into her vagina.

- c. clip0010.avi- is a video that is 9 minutes and 10 seconds long. The video shows Minor1 naked and touching her vagina. The video focuses on Minor1 inserting an unknown object into her vagina.

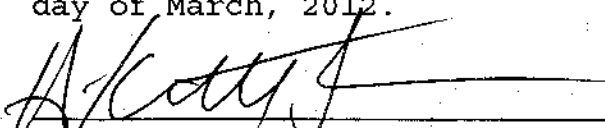
15. Many of the images and videos on the flash drive appear to depict the acts that LOSE requested Minor1 engage in during the course of the above-referenced chats.

16. Based on the above information, there is probable cause to believe that between on or about February 25, 2011, and on or about February 24, 2012, RANDALL LOSE knowingly produced child pornography in violation of Title 18, United States Code, Section 2251(a), and knowingly received child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2).



LIAM R. KELLY
Special Agent
Federal Bureau of Investigation

Sworn to before me this 9th
day of March, 2012.



H. KENNETH SCHROEDER, JR.
United States Magistrate Judge